IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.2778 OF 2005

Ramila Hasmukh Desai ..Petitioner

Vs.

The State of Maharashtra

& Ors. ..Respondents

Mr. Manish Mistry i/b. Mr. M.P.Vashi & Associates
for the Petitioner
Ms. Mugadha Jadhav, AGP for Respondent Nos. 1 to 3.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 27TH NOVEMBER,2006

P.C.

. It is clear from the communication of the Commissioner, Directorate of Handicapped Welfare, Maharashtra State, Pune, dated 5th February, 2005 that the School for retarded children was recognised by the Director of Social Welfare,Maharashtra State, by order dated July, 1979. The service record of the the petitioner, a Special teacher was 1st July, 1980 for her regular appointment.The petitioner admittedly is being paid pension considering her appointment as on 1st July, 1980.

2. The grievance of the petitioner is that she was working in the school since 1966 and that period

from 1999 upto 31st December, 1979 ought to be counted for the purpose of fixing the pensionery benefits. Admittedly the responsibility of Respondent State to pay pension would commence from the date of recognition of the school and/or the date when the petitioner was regularised i.e. 1st January 1980. The respondent State therefore, would not be liable to pay any pension for the earlier period. In the light of that we are not inclined to interfere in the exercise of our extra ordinary jurisdiction.

Hence petition dismissed.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).